IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 159 OF 2006

IN

SUMMONS FOR JUDGMENT NO. 829 OF 2003

IN

SUIT NO. 2230 OF 2003

VIP Automobiles Ltd. .....Appellant

Versus

Dilip Chhabria Designs Pvt. Ltd. .... Respondents

Ms. Mili Thakkar, instructed by M/s. Gordhandas & Fozdar, for the appellant.
Mr. Chetan Kapadia, instructed by Mr. S.G. Lakhani, for the respondents.

CORAM: **KSHITIJ R. VYAS, C.J.** &
ABHAY .S. OKA, J.

DATE: **JUNE 22, 2006**.

P.C.

Having perused the order dated 18th July, 2005, which is impugned in this appeal, which appears to be a consent order, the appellant is not entitled to challenge the same in the present appeal.

2. The learned counsel appearing for the appellant submits that the parties have never agreed and/or invited the order from the Court.

The fact that the appellant moved the learned single Judge for speaking to the Minutes of the order which was also rejected goes to show that the impugned order was passed *in invitem* and with the consent of the parties. In the circumstances, we hardly see any reason to interfere with the order of the learned single Judge. Appeal is dismissed**.**

CHIEF JUSTICE

ABHAY S. OKA, J.